



COWAN
DEBAETS
ABRAHAMS &
SHEPPARD LLP

41 MADISON AVENUE
NEW YORK, NY 10010
t: 212 974 7474
f: 212 974 8474
www.cdas.com

MASON A. WEISZ
212 974 7474 ext 1965
mweisz@cdas.com

FREDERICK P. BIMBLER
TOBY M.J. BUTTERFIELD
AL J. DANIEL, JR.*
TIMOTHY J. DEBAETS
ROBERT I. FREEDMAN
ELLIS B. LEVINE
MITCHELL E. RADIN
ROBERT L. SEIGEL
J. STEPHEN SHEPPARD
KENNETH N. SWEZEY
DAVID BRUCE WOLF
NANCY E. WOLFF*

ZEHRA J. ABDI
LISA K. DIGERNES
MATTHEW A. KAPLAN*
ALEXIS N. MUELLER
M. KILBURG REEDY
MASON A. WEISZ*

OF COUNSEL:
ANNE C. BAKER
ANDREA F. CANNISTRACI
JERROLD B. GOLD
ALBERT GOTTESMAN
ROGER E. KASS
MICHAEL D. REMER

SPECIAL COUNSEL:
SUSAN H. BODINE

PHILIP M. COWAN
(1943-2001)
HOWARD ABRAHAMS
(1945-1996)

* ALSO ADMITTED IN NJ

* ALSO ADMITTED IN CA

* ALSO ADMITTED IN AR & DC

+ ALSO ADMITTED IN CA & PA

AUGUST 26, 2008

BY FACSIMILE (212) 805-7920
Honorable Shira A. Scheindlin
United States District Court, S.D.N.Y.
500 Pearl Street, Room 1620
New York, New York 10007

Re: LBB Corp. v. Lucas Distribution, Inc., et al.
08-CV-4320 (SAS)

JUDGE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 8/28/08

Dear Judge Scheindlin:

We represent Defendants in the above-referenced copyright litigation. We write at the request of Mr. Ari Rubinstein to provide Defendants' position with respect to similarity between two motion pictures.

Plaintiff LBB Corp. d/b/a Spunk Video ("Spunk") claims generally that it owns exclusive rights in the motion picture *Nasty Piss Boys* and all associated materials, and Spunk challenges the validity, authenticity and/or effect of defendant Lucas Entertainment, Inc.'s Video Purchase Agreement for non-exclusive rights in the motion picture *Raw Twinks in Czech* and associated materials, which defendant Lucas Distribution, Inc. briefly distributed. See Declaration of Anthony D. Iannuzzo dated August 25, 2008.

We have requested many times but still not received a copy of Spunk's copyright registration certificate, confirmation that one exists, or even a copy of any application. Without viewing even an application for copyright registration, we cannot be certain of the scope or nature of Spunk's claim of ownership. Relatedly, under 17 U.S.C. § 411, an actual copyright registration certificate is usually a jurisdictional prerequisite for copyright litigation. Secunda v. Time Warner Cable of New York City, No. 95 Civ. 0671, 1995 WL 675464, 2 (S.D.N.Y. 1995) (Scheindlin, J.) (dismissing copyright claim without prejudice for lack of copyright registration).

The stipulation set forth herein is hereby

so ordered:

[Signature] USDC 8/27/08

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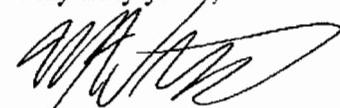
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Nevertheless, Defendants stipulate that the vast majority of the video footage in the *Nasty Piss Boys* DVD is identical to the vast majority of the footage in the *Raw Twinks in Czech* DVD. Though there are differences in formatting, special features, etc., Defendants will stipulate that taken as a whole, the content of the *Nasty Piss Boys* DVD is substantially similar to the content of the *Raw Twinks in Czech* DVD.

We thank the Court for its attention to this matter.

Very truly yours,



Mason A. Weisz

cc: R. Brent English, Esq.
Counsel for Plaintiff (by facsimile 646-390-8021)

Toby M.J. Butterfield, Esq.